

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA

GREGORY PERRY,  
Plaintiff,

No. C 10-2593 SBA (PR)

**ORDER OF DISMISSAL**

v.

SUSAN PIDO, et al.,  
Defendants.

GREGORY PERRY,  
Plaintiff,

No. C 10-2712 SBA (PR)

**ORDER OF DISMISSAL**

v.

J. CLARK KELSO, SUSAN PIDO, et al.,  
Defendants.

These two actions were opened in error when the Court received civil rights complaint forms from Plaintiff that were intended to be filed in a previously-filed action -- Case No. C 10-2548 SBA (PR).

In Case No. C 10-2593 SBA (PR), Plaintiff completed and filed a first amended civil rights complaint; however, he did not indicate that it was to be filed in Case No. C 10-2548 SBA (PR). Therefore, as mentioned above, it was opened as a new action. Plaintiff has also filed a motion for appointment of counsel in Case No. C 10-2593 SBA (PR).

In Case No. C 10-2712 SBA (PR), Plaintiff also filed a second amended civil rights complaint; however, he did not indicate that it was to be filed in Case No. C 10-2548 SBA (PR). Therefore, as mentioned above, it was also opened as a new action.

Plaintiff currently has these three separate civil rights actions pending relating to the same alleged constitutional violations, although he meant to file only one action.<sup>1</sup> Accordingly, the Clerk

<sup>1</sup> Plaintiff has a fourth civil rights action also pending before this Court -- Perry v. Thornton, Case No. C 10-2682 SBA (PR). However, in that fourth action, Plaintiff raises different claims of alleged constitutional violations that are unrelated to the three above-referenced actions.

1 is directed to remove Plaintiff's civil rights complaint forms from Case Nos. C 10-2593 SBA (PR)  
2 and C 10-2712 SBA (PR), and to file them in his previously-filed action, Case No. C 10-2548 SBA  
3 (PR). The Clerk shall docket the complaint from Case No. C 10-2593 SBA (PR) as Plaintiff's "First  
4 Amended Complaint." The Clerk is directed to mark it as filed on June 11, 2010, the date it was  
5 received by the Court. The Clerk shall docket the complaint from Case No. C 10-2712 SBA (PR) as  
6 Plaintiff's "Second Amended Complaint." The Clerk is directed to mark it as filed on June 22, 2010,  
7 the date it was received by the Court. The Clerk shall to mark the document labeled as "Amended  
8 Complaint" in Case No. C 10-2548 SBA (PR), as the "Supplement to Second Amended Complaint."<sup>2</sup>  
9 Finally, the Clerk is directed to remove Plaintiff's motion for appointment of counsel (docket no. 3  
10 in Case No. C 10-2593 SBA (PR)) from Case No. C 10-2593 SBA (PR), and to mark it as filed on  
11 June 11, 2010, the date it was received by the Court.

12 The Court will review Plaintiff's "Second Amended Complaint" and his motion for  
13 appointment of counsel in a separate written Order in Case No. C 10-2548 SBA (PR).

14 Case Nos. C 10-2593 SBA (PR) and C 10-2712 SBA (PR) are DISMISSED because they  
15 were opened in error. Plaintiff's in forma pauperis applications in Case Nos. C 10-2593 SBA (PR)  
16 and C 10-2712 SBA (PR) are DENIED as moot. No filing fee is due. The Clerk shall close the files  
17 in Case Nos. C 10-2593 SBA (PR) and C 10-2712 SBA (PR).

18 IT IS SO ORDERED.

19 DATED: 7/1/10

  
SAUNDRA BROWN ARMSTRONG  
United States District Judge

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27 <sup>2</sup> Plaintiff signed his "Second Amended Complaint" (which was opened on June 22, 2010 as  
28 a new action in Case No. C 10-2712 SBA (PR)) on June 13, 2010. He then signed the "Supplement to  
Second Amended Complaint" on June 15, 2010; therefore, the Court assumes that he intended for it to  
be filed as a supplement to his "Second Amended Complaint."

1 UNITED STATES DISTRICT COURT  
2 FOR THE  
3 NORTHERN DISTRICT OF CALIFORNIA

4 GREGORY PERRY,  
5 Plaintiff,

Case Number: CV10-02593 SBA

6 v.

**CERTIFICATE OF SERVICE**

7 SUSAN PIDO et al,  
8 Defendant.

9 I, the undersigned, hereby certify that I am an employee in the Office of the Clerk, U.S. District  
10 Court, Northern District of California.

11 That on July 20, 2010, I SERVED a true and correct copy(ies) of the attached, by placing said  
12 copy(ies) in a postage paid envelope addressed to the person(s) hereinafter listed, by depositing said  
13 envelope in the U.S. Mail, or by placing said copy(ies) into an inter-office delivery receptacle  
14 located in the Clerk's office.

15 Gregory Perry E-15943  
16 Salinas Valley State Prison  
17 Facility B B4-220 Low  
18 P.O. Box 1050  
19 Soledad, CA 93960-1060

20 Dated: July 20, 2010

21 Richard W. Wieking, Clerk  
22 By: LISA R CLARK, Deputy Clerk  
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